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DD/A Registry

File

Security 4-1

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77-4861

23 August 1977

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MEMORANDUM FOR: Chairman, Information Review Committee

VIA: Deputy Director for Operations

FROM:
Chief, Information Services Staff

SUBJECT: Staffing to Meet Freedom of Information Act, Privacy Act and E.O. 11652 Requirements

1. The decision to reduce the number of positions, hence personnel, in the Directorate of Operations has a direct impact on our ability to meet Freedom of Information Act, Privacy Act and Executive Order 11652 requirements. This memorandum provides some facts and observations on this topic and concludes with alternative proposals for dealing with this problem.

2. Up to the present time, the DO has had an excellent record in searching out, sanitizing and declassifying documents in response to requests, appeals and litigation growing out of the mentioned Acts and Executive Order. Since February 1975 when the handling of FOIA, PA and E.O. 11652 cases was centralized in the Information Services Staff, some 12,150 initial requests and about 500 appeals have been processed. In February 1976 a unit citation was presented to ISS/Privacy and Information Action Group for its accomplishments in this field up to that time. As this paper is written, the pace of this type of work shows no sign of slackening. There presently is a backlog of 662 initial requests, 55 E.O. 11652 requests, 109 appeals and 60 litigation cases. This backlog will continue to increase if knowledgeable persons, who take seriously the interests of the DO and are willing to do this type of job, are not made available to work in this area.

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3. I am a firm believer in the view that the DO needs to be reduced in size and urge constructive moves in that direction but, at the same time, it should be recognized that we have entered an era of declassification and litigation which places tasks upon us which are non-operational but required by law. It is in our interest to perform these tasks well from both a security and public relations viewpoint. Furthermore, under the various Acts, Executive Order and court orders, there are criminal, civil and administrative sanctions which can be imposed for failure to perform, in a reasonable time, required screening and responses to requests.

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5. This problem, in my opinion, has ramifications beyond the normal records keeping functions of ISS and the DO because how we manage our responding to FOIA, etc., requests and appeals impacts on the image of CIA as a whole and the DCI. By taking a step which results in a commitment of less manpower in this area at this time when our backlogs are increasing we open ourselves to the charge that we are not trying to meet the spirit and requirements of the law nor making a reasonable attempt to answer the requests and appeals to us. I believe this topic should be reviewed by the Information Review Committee with a view to making a recommendation to the DCI.

6. In this connection I have alternative proposals to make, both based upon the position that a centralized unit needs to be maintained in the DO through FY 78 and FY 79:

a. ~~that~~ approval be sought from the DCI to maintain positions in the DO to handle Freedom of

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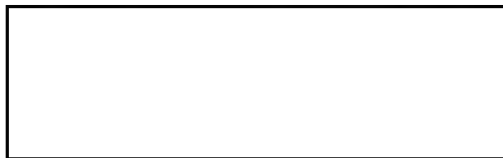
Information Act, Privacy Act and E.O. 11652 requirements as well as the MHCHAOS files, until the latter can be disposed of; or

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b. that [] positions be maintained in the DO to oversee and manage the handling of Freedom of Information Act, Privacy Act and E.O. 11652 requirements. And, further, that the DO be authorized by the DCI to employ up to [] employees (positions are not required for such employees) to process FOIA, etc., materials. These part-time employees would, in most cases, be Agency annuitants hired under an arrangement similar to that used in the [] project under which the records of OSS and other predecessor organizations are being reviewed and declassified. Retired employees would be sought for these part-time jobs because they would be clearable and have the experience and background to render the proper judgments with respect to the documents they are reviewing.

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CONCUR:

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Deputy Director for Operations

Date

8/23/77

to Option 2 only
Please discuss with Mike Malanick
Assume him that we will meet our FOIA obligations.

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DDA 77-4596

MEMORANDUM FOR: Acting Director of Central Intelligence

FROM : Acting Deputy Director for Administration

SUBJECT : DDO Freedom of Information Act and Privacy Act
Resources Commitment

1. As you are well aware, CIA is not meeting its requirements under the Freedom of Information Act and Privacy Act on a timely basis. As opposed to the FBI which has made a massive resources commitment in this area, we are in a position where we are barely holding the line. I think it can be anticipated that in the not too distant future our record of responsiveness will be one of the worst in the Government.

2. Our backlog has, for the most part, built up in two components—OGC and the DDO. OGC has over the past few months recruited additional personnel in the FOIA and Privacy Law Division in the form of paralegals. While it is too early to determine what effect this will have on their backlog, it certainly is an encouraging sign. A very discouraging sign, however, has come to my attention in recent days in that it is fairly common knowledge that the DDO is contemplating significant cuts in their staff which is involved in Freedom of Information and Privacy. I believe that given our backlog, a reduction of resources in this area at this time must be avoided. I am well aware of the difficulties with which the DDO is faced, but the obligations posed by these two laws are ones that we cannot avoid and which require a commitment of DDO personnel if we are to respond to the public in a responsible manner while still affording maximum protection of intelligence sources and methods. I believe this is a matter which warrants being raised personally with the DDO at an early date. Should you desire, I would be pleased to participate in any such discussions.

/s/ Michael J. Malanick

Michael J. Malanick

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AI/DDA [] lc (16 Aug 77)

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